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unconnected statements of well known principles, which did little more than put the lawyer "on the track" of what he was seeking, through the medium of citations in the foot-notes and cumbersome works which, however useful to the lawyer, were impossible to the young student engaged in covering the whole field of law. Mr. Beale presents the *via media*, and offers to the lawyer a work which contains practically all that is of value to him in the larger works on the subject, and to the student a text-book which is a marvel of lucidity.

W. E. M.

THE EXECUTIVE POWER IN THE UNITED STATES: A Study in Constitutional Law. By M. ADOLPHE DE CHAMBRUN. Paris: Thorin & Sons. 1896. (Written in French).

Among the many books which deal with the questions arising under the Constitution of the United States, one of special interest is M. de Chambrun's treatise on the Executive Power. As the author's name imports, he was a Frenchman and attached to the French Embassy as its legal adviser. Before writing his book he had been in America for seven years, and had become a member of the bar in Washington. M. de Chambrun was, therefore, well qualified to handle the subject on which he has written. The author's purpose in penning his book is thus set forth by his son in his preface to the second edition: "My father, who . . . was intimately associated with several men whose parts in the political crisis of the period of Secession had been considerable, commenced to write this volume about 1872, when the third Republic was being established in France. A correspondence carried on with M. Thiers had made him consider the utility which would perhaps exist in explaining to the French public the theory of the American executive power, at a time when the presidential power, such as it was among us, was about to make its first appearance. He did not desire the French constitution to imitate exactly that of the American Union—according to him certain inherent factors in the political and social conditions were opposed to it—but he desired, if possible, to familiarize the French public with the liberal parliamentary theories of which he was always a pronounced partisan, even though at that time family traditions made him still hope for the return for our ancient hereditary monarchy."

It is of course impossible here to give even the briefest synopsis of M. de Chambrun's book. Suffice it to say that he has shown himself a very well informed, intelligent and kindly critic of our governmental system. It is a pity that no translation is available for readers in this country, as his work is most thoughtful and instructive and should be read with care not only by lawyers, public men and students, but also by those who have our national welfare at heart. The book is far from

tedious, though of course some elementary matters have been introduced to make it understood by a foreign audience. Its style is plain and its reasoning easily followed.

In view of the present position of our country the following quotation will furnish food for thought. The extract is made from the last chapter entitled "Causes which might modify the Constitution of the United States," and is as follows: "We have seen elsewhere in what way President Washington was made the faithful interpreter of the thought of the members of the Constitutional assembly at Philadelphia. The administration which he organized proposed to avoid, as much as possible, foreign complications. We have read in another chapter of this book how, upon retiring from power, Washington insisted upon the continuance of his policy of neutrality. It is because his successors have not deviated from it that the republic has been maintained. An active and energetic foreign policy presumes in effect in the executive power which directs it, both permanence and a force proportional to the vigor of the action. At the same time the alliances formed with other powers have only value, as far as they are supported by a display of strength; in other words, they cannot be brought about without armies and navies strongly organized. If then the spirit of conquest and the lust for new territorial acquisitions should develop itself in the United States, they would soon bring about an inevitable augmentation in the powers of the President. At this point let us glance at the map of North America; we see that the United States could expand themselves either by annexing Canada or by making a conquest of Mexico, or finally by attaching to the Union the Greater and the Lesser Antilles. The populations of Canada are almost like those which make part of the republic; almost all speak the English language, and are accustomed to the practice of a free government. Should they become part of the Union that they could mould themselves easily to its institutions is certain. But it would certainly not be the same in the case of the Mexicans or of the men of the so greatly-diverse races which are established in the Antilles. The day on which the United States annex these countries they will be obliged to govern them; they must provide for the needs of these populations: in a word, establish among them a great public service. Then they themselves will enter upon an entirely new way; the national government will take up a preponderating importance, and the Executive Power will be led to interfere constantly and in a most vigorous manner in the affairs of the annexed territories. The day on which its attributes will be thus extended, the American Constitution will have submitted to such a transformation that it will no longer be what we see it now (1873). There will have been developed in the United States a very strong government, much more like that which Hamilton wished to create than that which was evolved from the deliberations at Philadelphia. If then the sovereignty of the people should cease to be exercised as it has

been for more than eighty years, and if the organization of the States should lose its existing vigor, the central government, and especially the Executive Power, would be proportionately augmented. It is entirely true, also, to say that a change in the foreign policy of the United States and great territorial expansion would lead, by different reasons, to an analogous transformation. In a word, the political machine of the United States was constructed in such a way that should one of its principal springs change it would break down."

E. B. S., Jr.

POWELL'S PRINCIPLES AND PRACTICE OF THE LAW OF EVIDENCE. Edited by JOHN CUTLER and CHARLES F. CAGNEY, Barristers-at-Law. London: Butterworth & Co., 1898.

The seventh edition of this excellent English treatise on Evidence presents an admirable example of the work of its famous editors. While they hesitate to extend unduly the length of the volume, they still retain the greater part of the principles discussed by the author and refrain from turning the work into a mere digest. The plan adopted by them resembles very much the general plan of the Hornbooks published by the West Company, namely, a general rule in large type at the head of each chapter and division, which rule is discussed at length in the text. Their method of confining the foot-notes to the citation of cases only is welcome to one who reads the book through and who does not use it as a digest in searching for a single point.

Turning to the text, we find that the author adopts Taylor's definition of Evidence in preference to the illogical and clumsy one of Stephen, and he makes the rather curious divisions of the subject as follows: (1) primary and secondary, (2) sufficient and satisfactory, (3) direct and inferential, (4) original and second-hand, or hearsay, (5) oral, documentary and real. These divisions are not carried out with any great degree of regularity; in fact, one of the few faults of the work is the lack of some definite plan of arrangement, such as is adopted by Stephen in his Digest of the Law of Evidence, although perhaps carried to an extreme by him.

In the second chapter, "The Functions of the Judge and Jury," we find an interesting discussion of the *scintilla* rule, which seems to have been repudiated by the English courts before it was declared exploded in Pennsylvania. Under "The Competency of Witnesses," in the third chapter, we are reminded that in England the fact that the defendant in a criminal case refuses to testify may be made the legitimate source of comment by counsel and court. On page 88, under "Presumptive Evidence," the case of *Wing v. Angrave*, 8 H. L. C. 183, is cited under the proposition that where two persons have perished in the same disaster, a presumption arises that they have